

Message Text

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ACTION DHA-02

INFO OCT-01 SS-14 ISO-00 ARA-06 L-01 NSC-05 NSCE-00 SP-02
OMB-01 TRSE-00 H-01 INR-05 CIAE-00 IGA-01 PM-03 PRS-01
DODE-00 IO-06 ACDA-10 SSO-00 INRE-00 /059 W
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O R 051650Z MAR 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC NIACT IMMEDIATE 386
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO
CHMN USDEL JBUSMC RIO DE JANEIRO

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 1736

LIMDIS

EO 11652 GDS
TAGS PFOR MILI SHUM BR
SUBJECT: BRAZILIAN GOVERNMENT REFUSES SECURITY ASSISTANCE IN
REACTION TO HUMAN RIGHTS REPORT

REFS: (A) STATE 38407 (NOTAL) (B) STATE 46674 (NOTAL)

1. AT REQUEST OF BRAZILIANS, I MET THIS MORNING AT 0930 WITH
FOREIGN MINISTRY SECRETARY GENERAL GUERREIRO, WHO WAS
ACCOMPANIED BY THE CHIEF OF THE AMERICAS DEPARTMENT (ARAUJO).
INDICATIVE OF THE URGENCY NOT TO SAY DRAMA OF THE
MEETING, FROM THE GOB'S POINT OF VIEW, WERE FACTS THAT IT
WAS HELD ON SATURDAY, A SACRED LEISURE DAY FOR FOREIGN MINISTRY,
AND THAT CHIEF OF THE MINISTRY'S NORTH AMERICAN DIVISION CALLED
THE POLITICAL COUNSELOR AT HOME AT 2:30 A.M. TO SET UP THE MEETING.

2. AT THE MEETING, GUERREIRO GAVE ME A FIRST-PERSON NOTE,
INFORMAL TRANSLATION OF WHICH FOLLOWS: BEGIN TRANSLATION OF
NOTE: MR. AMBASSADOR: THE BRAZILIAN GOVERNMENT GUIDES ITS
INTERNATIONAL CONDUCT BY RIGOROUS AND UNVARYING ADHERENCE
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TO THE CARDINAL PRINCIPLES OF INTERNATIONAL LAW, AN OUT-STANDING ONE OF THEM BEING THAT OF NON-INTERVENTION BY
ONE STATE IN THE INTERNAL AFFAIRS OF ANOTHER.

THE BRAZILIAN GOVERNMENT LEARNED TODAY THAT THE
AMERICAN EXECUTIVE BRANCH SUBMITTED TO THE US CONGRESS A
PROGRAM OF MILITARY ASSISTANCE ("SECURITY ASSISTANCE")

IN WHICH BRAZIL IS CONSIDERED. SUCH ASSISTANCE REQUIRES, MEANWHILE, THAT ORGANS OF THE AMERICAN GOVERNMENT UNDERTAKE A CRITICAL EVALUATION OF THE BRAZILIAN INTERNAL SITUATION, WHICH WOULD RUN COUNTER TO THE ABOVE CITED PRINCIPLES.

IN CONSEQUENCE, I INFORM YOUR EXCELLENCY THAT, FULLY AWARE OF ITS DUTIES AND RESPONSIBILITIES, THE BRAZILIAN GOVERNMENT REFUSES BEFOREHAND ANY ASSISTANCE IN THE MILITARY FIELD THAT DEPENDS, DIRECTLY OR INDIRECTLY, ON A PRIOR EXAMINATION BY ORGANS OF A FOREIGN GOVERNMENT OF MATTERS THAT, BY THEIR NATURE, ARE THE EXCLUSIVE COMPETENCE OF THE BRAZILIAN GOVERNMENT.

ACTING IN THIS WAY, BRAZIL REMAINS FAITHFUL TO ITS HISTORICAL TRADITION, TO THE COMMITMENTS SOLEMNLY UNDERTAKEN IN THE UN CHARTER AND THE CHARTER OF THE OAS, AND FIRM IN THE CONVICTION THAT IT IS STRENGTHENING AN INTERNATIONAL ORDER BASED ON THE EQUALITY OF RIGHTS AMONG STATES. (COMPLIMENTARY CLOSE) SIGNED: A.F. AZEREDO DA SILVEIRA. END INFORMAL TRANSLATION OF NOTE.

3. SEQUENCE OF IMMEDIATELY EARLIER EVENTS LEADING UP TO THIS MEETING AND PRESENTATION OF THE NOTE WERE AS FOLLOWS:

(A) ON AFTERNOON OF MARCH 4 EMBASSY RECEIVED IN POUCH FINAL VERSION OF HUMAN RIGHTS REPORT ON BRAZIL WHICH WAS TO BE GIVEN TO BRAZILIAN GOVERNMENT IN ACCORDANCE WITH INSTRUCTIONS WITH REF B. POLITICAL COUNSELOR CALLED AT 1700 HOURS ON CHIEF OF NORTH
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AMERICAN DIVISION (CARDOSO), WHO WAS ACCCOMPANIED BY HIS ASSISTANT (SEIXAS CORREA), AND PRESENTED COPIES OF HUMAN RIGHTS REPORT. POLITICAL COUNSELOR ORALLY EXPLAINED PROSPECTIVE TIMING OF RELEASE OF REPORTS IN LINE WITH PARA 2 OF REF B, NOTING THAT US WAS PROVIDING ADVANCE COPY AS COURTESY TO BRAZIL. POL COUNSELOR ALSO PROVIDED BACKGROUND ON REPORTING REQUIREMENT TO WHICH THIS REPORT RESPONDS (REF A) AND LEFT SINGLE-PAGE INFORMAL TALKING POINTS MEMORANDUM DRAWING ON PARAS 1 THROUGH 3 OF REF A. CARDOSO RECEIVED REPORTS AND TALKING POINTS WITHOUT EMOTIONS, BUT WITH FOLLOWING QUESTIONS:

(1) WHAT WOULD BE EXACT DATE OF PUBLICATION? POL COUNSELOR REPLIED THAT RELEASE COULD COME ANY TIME ON OR AFTER MARCH 7, BUT CONGRESS WOULD DECIDE.

(2) WOULD REPORTS ON ALL OTHER SECURITY ASSISTANCE COUNTRIES ALSO BE RELEASED? POL COUNSELOR REPLIED THAT IT WOULD BE DIFFICULT TO SAY CONCLUSIVELY ALL WOULD BE RELEASED WITHOUT KNOWING INTENTIONS OF CONGRESS, THOUGH IT WAS REASONABLE ASSUMP-

TION MOST IF NOT ALL WOULD BE RELEASED.

(3) WAS REPORT RELATED TO RECENT PROPOSAL OF \$50 MILLION FMS CREDIT FOR BRAZIL AND WOULD REPORT BE BASIS FOR CONGRESS' DECISION. POL COUNSELOR AFFIRMED THAT REPORT WAS RELATED TO PROPOSAL BUT THAT IT WOULD BE ONE OF A NUMBER OF FACTORS THAT CONGRESS WOULD TAKE INTO ACCOUNT IN MAKING ITS DECISION. CARDOSO EXPRESSED HIS THANKS AND MEETING ENDED.

(B) POL COUNSELOR RECEIVED CALL AT HOME ABOUT 1915 SAME DAY FROM CARDOSO REQUESTING THAT HE COME IMMEDIATELY TO THE MINISTRY. AT BRIEF MEETING WHICH ENSUED CARDOSO RETURNED BOTH COPIES OF HUMAN RIGHTS REPORT AND ACCOMPANYING TALKING POINTS MEMO WITH FOLLOWING ORAL STATEMENT: "ON HIGHER INSTRUCTIONS, I AM RETURNING TO YOU YOUR MEMORANDUM, WHICH CANNOT BE ACCEPTED BECAUSE IT CONSTITUTES AN INTERFERENCE IN THE INTERNAL AFFAIRS OF BRAZIL." POL COUNSELOR ASKED WHAT ASPECTS OF DOCUMENTS THEY HAD FOUND
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UNACCEPTABLE, TO WHICH CARDOSO REPLIED "ALL OF IT." POL COUNSELOR ACCEPTED RETURNED DOCUMENTS BUT POINTED OUT THAT THE QUESTION OF ACCEPTANCE OR REJECTION OF THESE DOCUMENTS WOULD NOT SEEM TO ARISE IN THE PRESENT CASE, SINCE

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C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 1736

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REPORT WAS INTERNAL DOCUMENT OF THE US GOVERNMENT, A COURTESY COPY OF WHICH WAS GIVEN TO THE BRAZILIAN GOVERNMENT ONLY FOR ITS INFORMATION. HE NOTED THAT IT WAS NOT COMPARABLE TO A FORMAL COMMUNICATION BETWEEN THE TWO GOVERNMENTS CALLING ON BRAZIL FOR SOME ACTION.

CARDOSO SAID ONLY THAT HE HAD HIS INSTRUCTIONS AND MEETING ENDED.

(C) CARDOSO AGAIN CALLED POL COUNSELOR AT 0230 MARCH 5 TO SAY THAT SECRETARY GENERAL GUERREIRO WOULD BE IN HIS OFFICE AT 0900 AND WOULD LIKE TO MEET WITH AMBASSADOR CRIMMINS AT THIS TIME.

4. IN MY MEETING WITH GUERREIRO THIS MORNING, AFTER RECEIVING NOTE, I SAID THAT I WOULD ACCEPT THE NOTE WITH THE RESERVATION AND CLARIFICATION THAT THE US AND MANY OTHER GOVERNMENTS CONSIDERED THAT CONCERN AMONG NATIONS FOR HUMAN RIGHTS WAS NOT A QUESTION UNDER INTERNATIONAL LAW, OF INTERFERENCE IN INTERNAL AFFAIRS AND THAT, IN LIGHT OF THE UNIVERSAL HUMAN RIGHTS DECLARATION AND OTHER SIMILAR INSTRUMENTS, HUMAN RIGHTS CONCERNS TRANSCENDED NATURAL BOUNDARIES. GUERREIRO REPLIED THAT BRAZIL WAS COMMITTED TO OBSERVE ITS TREATY OBLIGATIONS IN THIS FIELD,

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BUT THE UNIVERSAL DECLARATION WAS NOT A TREATY BUT A RESOLUTION. HE SAID THAT THE BRAZILIAN POSITION WAS EXPOUNDED IN THE NOTE. TO MY QUESTION WHETHER HIS STATEMENT MEANT THAT BRAZIL DID NOT CONSIDER ITSELF BOUND BY THE UNIVERSAL DECLARATION AND OTHER HUMAN RIGHTS ACTS THAT IT HAD SIGNED, GUERREIRO REPLIED THAT OF COURSE IT DID.

5. I WENT ON TO SAY THAT I WANTED TO KEEP THE RECORD STRAIGHT, AN APPARENT NECESSITY IN VIEW OF SOME RECENT DISTORTIONS. I SAID I WANTED TO BE SURE HE UNDERSTOOD THE NATURE OF THE HUMAN RIGHTS REPORT DOCUMENTS. I REITERATED THAT IT WAS A REPORT (A) PREPARED IN RESPONSE TO A CONGRESSIONAL REQUIREMENT; (B) WAS REQUIRED FOR ALL 80 COUNTRIES THAT RECEIVE SECURITY ASSISTANCE; (C) AS SUCH IT WOULD BE AN ELEMENT IN CONGRESS' JUDGMENT, BUT THIS DID NOT NECESSARILY IMPLY CONGRESSIONAL ACTION BECAUSE OF IT; (D) IT WAS AN INTERNAL WORKING DOCUMENT OF THE US GOVERNMENT GIVEN TO THE BRAZILIAN GOVERNMENT AS A COURTESY; AND (E) THE EXECUTIVE BRANCH SUBMITS PROPOSALS FOR LEVELS OF MILITARY ASSISTANCE TO CONGRESS AND CONGRESS ACTS ON THOSE PROPOSALS. CONGRESS BASES ITS DECISION ON ANY NUMBER OF FACTORS, INCLUDING THE HUMAN RIGHTS SITUATION.

6. GUERREIRO NOTED SPECIFICALLY THAT THE BRAZILIAN NOTE HE HAD GIVEN ME WAS NOT A CLASSIFIED DOCUMENT AND SUGGESTED THAT IT WOULD BE MADE PUBLIC. I RESPONDED, WITH A SMILE, THAT EVEN IF IT WERE CLASSIFIED, I SUSPECTED IT WOULD BE PUBLISHED

ONE WAY OR ANOTHER. (IT HAS NOW BEEN RELEASED)

7. PICKING THIS UP AND SUGGESTING A US BREACH OF CONFIDENTIALITY, SECRETARY GENERAL REFERRED TO SECRETARY VANCE'S USE OF THE WORD "ALTERNATIVES" IN HIS MARCH 4 PRESS CONFERENCE ALLUDING TO THE RECENT USG-GOB NUCLEAR TALKS. I NOTED THAT SECRETARY'S STATEMENTS FOLLOWED THE LEAKS OF CONFIDENTIAL INFORMATION ABOUT THE DEPUTY SECRETARY'S CONVERSATIONS HERE IN JORNAL DO BRASIL ON MARCH 3. GUERREIRO STATED THAT THE JORNAL DO BRASIL ARTICLE WAS "UNFORTUNATE;" THAT HE COULD NOT UNDERSTAND HOW JORNAL GOT CONFIDENTIAL

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THE INFORMATION; AND THAT HE COULD NOT IMAGINE THAT A BRAZILIAN PARTICIPANT WOULD HAVE BEEN INVOLVED.

8. MY EXCHANGES WITH GUERREIRO THROUGHOUT MEETING WERE FIRM BUT ENTIRELY POLITE.

CRIMMINS

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Message Attributes

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Sent Date: 05-Mar-1977 12:00:00 am
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Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
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